

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

PATRICK BAILEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 2:05-cv-1061-MEF-TFM
)	
MILTOPE CORPORATION,)	
)	
Defendant.)	

DEFENDANT MILTOPE CORPORATION'S
PROPOSED VOIR DIRE QUESTIONS

Defendant Miltope Corporation ("Miltope") requests that, at the time of qualification and selection of a jury for the trial of this case, the Court examine the venire as follows:

1. Do you or does anyone close to you know the plaintiff, Patrick Bailey?
2. Do you or does anyone close to you know anyone in the plaintiff's family? If so, how do you know them?
3. Do you know the plaintiff's attorney, Derrick Blythe?
4. Do you know anyone who works with or has worked with Derrick Blythe? If so, who?

5. Have you or has anyone close to you ever been represented by Derrick Blythe?
6. Are you familiar with Miltope Corporation, the defendant in this case?
If so, how?
7. Do you know anyone who works for or has worked for Miltope Corporation? If so, who?
8. Do you or does anyone close to you know any of the following Miltope employees and former employees: Edward F. Crowell, Dee Colter, Brian William Burkhead, or Gabriel Riesco?
9. Are you familiar with the law firm representing the defendant, Johnston Barton Proctor & Rose, LLP?
10. Have you or has anyone close to you worked for Johnston Barton Proctor & Rose?
11. Have you or has anyone close to you ever been represented by Johnston Barton Proctor & Rose?
12. What is your occupation?
13. Who is your employer?
14. How long have you worked there?
[If less than three years] Where did you work before that?
15. Are you married or living with a partner?

16. What is your partner's occupation?
17. Who is your partner's employer?
18. How long has your partner worked there?
[If less than three years] Where did your partner work before that?
19. Some of the witnesses in this case have a military background and Miltope's customers include the U.S. military. Would any pre-existing attitude or opinion you have about the military or military service prevent you from evaluating fairly the testimony of witnesses with a military background or treating Miltope fairly because of its association with the military?
20. Are you serving or have you ever served in the military? Is anyone close to you serving or has anyone close to you ever served in the military? Include any reserve or guard service.

Follow-up questions:

- (a) If someone close to you is serving / has served in the military, who?
- (b) If you served in the military, were you honorably discharged?
- (c) Regardless if you served or if anyone close to you served in the military, would your views of the military or military service

cause you any difficulty in being fair and impartial if you are selected as a juror in this case?

21. Have you or has anyone close to you ever requested or taken leave from a job because of a serious medical condition or to care for a family member?

Follow-up questions:

- (a) Briefly explain the circumstances that required you to need leave (birth of a child, spouse with a serious medical condition, etc.).
 - (b) Did you have any problems with your / his / her employer granting leave? If so, please describe the difficulties and the resolution, if any, of the issues.
 - (c) Would your experience with another employer cause you any difficulty in being fair and impartial if you are selected as a juror in this case?
22. Have you or has anyone close to you ever been discharged or laid off from employment for any reason?

Follow-up questions:

- (a) Name the employer who discharged you or laid you off?
- (b) When were you discharged or laid off?

- (c) Identify what reason was given for the employment action.
 - (d) Did you consider the action taken to be unfair?
 - (e) Did you sue or contemplate suing the employer as a result?
 - (f) Did you receive unemployment compensation as a result?
 - (g) Did the employer oppose your attempt to obtain unemployment compensation?
 - (h) Would your experience cause you any difficulty in being fair and impartial if you are selected as a juror in this case?
23. Have you ever filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) arising out of your employment or else initiated an internal grievance or complaint procedure with an employer?

Follow-up questions:

- (a) Name the employer against which you filed a charge / with which you initiated a grievance or complaint.
- (b) When was the charge filed / grievance or complaint initiated?
- (c) What were you contesting (promotion / demotion, discharge, pay, harassment, discrimination, etc.)?
- (d) What was the outcome?

24. Do you believe it is fair to treat a defendant that is a corporation the same as any other defendant?
25. Do you believe that it is acceptable for an employer to require its employees to abide by reasonable policies concerning leaves of absence?
26. Do you have any objection or fairness concern about an employer's policy requiring employees to call in on days the employees will be absent?
27. Do any of you work or have you worked for an employer with a policy that an employee is considered to have voluntarily quit if he or she fails to call in or show up for work for three consecutive days? If so, did you ever witness an occasion where you thought the policy was applied in an unfair way? If so, please describe the circumstances.
28. Is there any reason that any of you will not be able to be fair and impartial if you are selected as a juror in this case?

To the extent the Court does not examine the venire as requested, Miltope respectfully requests the opportunity to so examine the venire.

Respectfully submitted,

s/ Heather F. Lindsay
Heather F. Lindsay (ASB-0629-D64H)
One of the Attorneys for Defendant
Miltape Corporation

OF COUNSEL:

Johnston Barton Proctor & Rose LLP

2900 AmSouth/Harbert Plaza
1901 Sixth Avenue North
Birmingham, Alabama 35203
Telephone: (205) 458-9400
Fax: (205) 458-9500
E-Mail: hfl@johnstonbarton.com

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Derrick Blythe, Esq.
126 Marshall Street
Alexander City, Alabama 35010

I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

None

s/ Heather F. Lindsay
Heather F. Lindsay (ASB-0629-D64H)
Johnston Barton Proctor & Rose LLP
2900 AmSouth/Harbert Plaza
1901 Sixth Avenue North
Birmingham, Alabama 35203
Telephone: (205) 458-9400
Fax: (205) 458-9500
E-Mail: hfl@johnstonbarton.com
One of the Attorneys for Defendant
Miltop Corporation